REMARKS

This application has been reviewed in light of the Office Action dated July 22, 2008. Claims 1-20 are pending in the application. No new matter has been added. No amendments have been made in this communication. The Examiner's reconsideration of the rejection in view of the following remarks is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

By the Office Action, claims 1, 2, 5, 8–13, and 17–20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,363,117 to Kok (hereinafter "Kok"). The Applicant respectfully disagrees.

Claims 1 and 13 recite, inter alia, "block matching . . . while excluding non-optimal search points in accordance with a comparison of a normalization of the image block pixels against a normalization of the reference picture pixels."

In asserting that Kok anticipates this element, the Examiner cites the paragraph of Kok bridging columns 1 and 2. However, Kok does not disclose "excluding non-optimal search points" in that paragraph or in any other. Kok's technique involves searching a limited set of points, taking the best match from that set of points, and further refining its search based on that best match. For an illustration, see Kok, column 5, lines 12–67 and column 6, lines 1–14. Kok is an example of a *hierarchical search*, (See Kok, column 4, lines 36–37) which was disclosed in the specification as belonging to the prior art. (See Spec., page 2, line 1). The Kok technique therefore never excludes pixels because they are *non-optimal*. Instead, the Kok

technique excludes pixels in an attempt to reach a solution faster, while hoping to avoid local

optima. (See Kok, column 4, lines 37–40). At no point does Kok judge whether a given search

point is optimal or non-optimal. Because of the issue of local optima, hierarchical searches do

not produce optimal solutions when compared to a full search. (See Kok, Figs 7(a–h)). The

avoidance of non-optimal search points is how the claimed invention achieves an optimal

solution while still reducing the computational burden. (See Spec., page 4, lines 8–11).

Even assuming, for the sake of argument, that Kok does exclude non-optimal

points, there is no indication that Kok does so "in accordance with a comparison of a

normalization of the image block pixels against a normalization of the reference picture pixels,"

as claims 1 and 13 require. Kok never once uses the words "normal," "normalize," or

"normalizing," and discloses no technique which could be described as normalizing.

It is therefore respectfully submitted that independent Claims 1 and 13 are not

anticipated by the prior art for at least the above-stated reasons.

Claims 2, 5, 8-12 depend from claim 1 or a claim which itself is dependent from

claim 1 and, thus, include all of the limitations of claim 1. Claims 17–20 depend from claim 13

or a claim which itself is dependent from claim 13 and thus include all of the limitations of

claim 13. Accordingly, claims 2, 5, 8-12 are patentably distinct and non-obvious over the cited

references for at least the reasons set above with respect to claim 1, and claims 17-20 are

patentably distinct and non-obvious over the cited references for at least the reasons set above

with respect to claim 13.

Reconsideration of the rejection of claims 1, 2, 5, 8–13, and 17–20 under 35

U.S.C. 102(b) is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

By the Office Action, claims 3, 4, 6, 7, and 14–16 stand rejected under 35 U.S.C.

§103(a) as being unpatentable over Kok in view of U.S. Patent No. 6,757 330 to Hsu

(hereinafter "Hsu"). The Applicant respectfully disagrees.

Hsu does not cure the deficiencies of Kok as set forth above, and is silent with

respect to the above recited limitations of independent Claims 1 and 13 from which claims 3, 4,

6, 7, and 14-16 depend.

That is, neither Kok or Hsu, either taken singly or in combination, teach or

suggest "testing … while excluding non-optimal search points in accordance with a comparison

of a normalization of the image block pixels against a normalization of the reference picture

pixels" as recited in claims 1 and 13.

Claims 3, 4, 6, and 7 depend from claim 1 or a claim which itself is dependent

from claim 1 and, thus, include all of the limitations of claim 1. Claims 14–16 depend from

claim 13 or a claim which itself is dependent from claim 13 and thus include all of the

limitations of claim 13. Accordingly, claims 3, 4, 6, and 7 are patentably distinct and non-

obvious over the cited references for at least the reasons set above with respect to claim 1,

claims 14-16 are patentably distinct and non-obvious over the cited references for at least the

reasons set above with respect to claim 13.

It is therefore respectfully submitted that claims 3, 4, 6, 7, and 14–16 are not

rendered obvious by the prior art for at least the above-stated reasons.

Reconsideration of the rejection of claims 3, 4, 6, 7, and 14–16 under 35 U.S.C.

103(a) is respectfully requested.

Conclusion:

In view of the foregoing amendments and remarks, it is respectfully submitted

that all the claims now pending in the application are in condition for allowance. Early and

favorable reconsideration of the case is respectfully requested.

No fee is believed due with regard to the filing of this amendment. However, if

a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

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